

FILED
U.S. DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAR 30 1999

William L.
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CIV-99-0283 JP/DJS
CR-95-310 JP

GERALD CHILLAS,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court to consider Defendant's "Ex Parte Application for Order to Amend Judgment to Include Six Months Home Confinement" (Doc. #1) filed March 12, 1999. As grounds, the motion alleges Defendant has completed education and counseling programs and has received good work evaluations, a clear conduct record, and an offer of employment upon his release. Movant argues that the Court has the authority under 18 U.S.C. § 3624(c) to grant the relief sought. To the contrary, the Court has no authority to modify an existing sentence under § 3624(c), and home confinement may not be considered as an alternative sentence during a valid prison term. *Moresco v. United States*, 982 F.2d 529 (Table, text in Westlaw), 1992 WL 372399, at *1-2 (10th Cir. 1992). Defendant's request for amendment of his judgment will therefore be denied.

IT IS THEREFORE ORDERED that Defendant's "Ex Parte Application for Order to Amend Judgment to Include Six Months Home Confinement" (Doc. #1) filed March 12, 1999, is hereby DENIED with prejudice, and this civil proceeding is DISMISSED.

James R. Laker
UNITED STATES DISTRICT JUDGE

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